

Report on the

BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

Montgomery, Alabama



Department of Examiners of Public Accounts

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June 18, 2008

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Examiners for Speech-Language Pathology and Audiology in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners for Speech-Language Pathology and Audiology in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald L. Jones', written in a cursive style.

Ronald L. Jones
Chief Examiner

Examiners:
Glenn A. Davis
Timea Boros

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PROFILE

Purpose/Authority

The Board of Examiners for Speech-Language Pathology and Audiology was created to regulate the practice of speech-language pathology and audiology in Alabama. The board licenses qualified applicants as speech-language pathologists, audiologists, and registers persons as speech pathology assistants and audiology assistants. The board sponsors continuing education programs for its licensees. The board also receives, investigates, and responds to complaints against its licensees. The board operates under the authority of the *Code of Alabama 1975*, Sections 34-28A-1 through 34-28A-44.

Board Characteristics

Members and Selection	7 members: (3 audiologists) (3 speech-language pathologists) (1 consumer or member of an allied profession) Appointed by the governor from a list of three names per vacancy submitted by the Speech and Hearing Association of Alabama (SHAA). <i>Code of Alabama 1975</i> , Section 34-28A-40(f)
Terms	3 years, staggered – limited to two consecutive full terms <i>Code of Alabama 1975</i> , Section 34-28A-40(c)
Qualifications	The six professional members must hold active and valid licenses; Each must have been engaged in the profession during the five years preceding appointment <i>Code of Alabama 1975</i> , Section 34-28A-40(b)
Minority Race Representation	No statutory requirement One minority race member
Consumer Representation	One member is required to be a member of the consuming public or a member of an allied profession. This member, like all other members, must be nominated by the Speech and Hearing Association of Alabama. <i>Code of Alabama 1975</i> , Section 34-28A-40(b)
Geographical Representation	One member from each U.S. Congressional District <i>Code of Alabama 1975</i> , Section 34-28A-40(a)

Other Representation	The membership of the board is to be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-28A-40(b)
Compensation	Members are not compensated for service on the board, but are reimbursed for travel expenses in the same manner as state employees. <i>Code of Alabama 1975</i> , Section 34-28A-41

Operations

Administrator	Executive Secretary – Wanda Rawlinson Annual Salary - \$45,038.40.																
Location	400 South Union Street, Suite 397 P.O. Box 304760 Montgomery, AL 36130-4760																
Examinations	<p>National Examination in Speech-Language Pathology or Audiology.</p> <p>The Educational Testing Service (private company) administers the exams at accredited colleges and universities.</p> <p><u>PASS/FAIL STATISTICS FOR LAST 3 YEARS</u></p> <table><tr><th>YEAR</th><th>NUMBER OF EXAMS GIVEN</th><th>PASSED</th><th>FAILED</th></tr><tr><td>FY 05</td><td>80</td><td>51</td><td>29</td></tr><tr><td>FY 06</td><td>31</td><td>26</td><td>5</td></tr><tr><td>FY 07</td><td>59</td><td>54</td><td>5</td></tr></table> <p>Pass/Fail results by Alabama educational institution are located in the appendices of this report.</p>	YEAR	NUMBER OF EXAMS GIVEN	PASSED	FAILED	FY 05	80	51	29	FY 06	31	26	5	FY 07	59	54	5
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Licensees	<table><tr><td></td><td><u>3/18/2008</u></td><td><u>10/01/2004</u></td></tr><tr><td>Speech Pathologists</td><td>1,116</td><td>844</td></tr><tr><td>Audiologists</td><td>232</td><td>205</td></tr><tr><td>Dual</td><td>6</td><td>4</td></tr><tr><td>Speech Assistants</td><td><u>4</u></td><td><u>5</u></td></tr><tr><td>Total Active</td><td>1,358</td><td>1,058</td></tr><tr><td>Inactive</td><td><u>5/6/2008</u></td><td></td></tr><tr><td>Speech Pathologist</td><td>60</td><td></td></tr><tr><td>Audiologist</td><td><u>8</u></td><td></td></tr><tr><td>Total</td><td>68</td><td></td></tr></table> <p>A person holding a valid license and not practicing may place the license in an inactive status by request to the board and by paying a fee of one-half (½) the renewal fee. A license may be held inactive for a maximum period of two years. If the licensee fails to renew after two years the license shall be revoked and becomes invalid.</p> <p><i>Code of Alabama 1975</i>, Section 34-28A-25(e)</p>		<u>3/18/2008</u>	<u>10/01/2004</u>	Speech Pathologists	1,116	844	Audiologists	232	205	Dual	6	4	Speech Assistants	<u>4</u>	<u>5</u>	Total Active	1,358	1,058	Inactive	<u>5/6/2008</u>		Speech Pathologist	60		Audiologist	<u>8</u>		Total	68	
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Reciprocity	<p>By endorsement - National credentials from American Speech and Hearing Association are generally accepted among the states.</p> <p><i>Code of Alabama 1975</i>, Section 34-28A-24</p>																														
Renewals	<p>Licenses expire annually on December 31.</p> <p>Licensees are prohibited from providing speech- language and/or audiology services after December 31 until the license is renewed.</p> <p>Licensees can renew their licenses through January 31 without incurring a late fee. Licenses renewed after January 31 will incur a late renewal fee of \$20.00 for each month or fraction thereof that the payment is late up to a maximum of twice the regular renewal fee.</p> <p>Any license not renewed for a period of two years after it last expired may not be renewed, re-issued, or reinstated. Its holder must apply for a new license.</p> <p><i>Code of Alabama 1975</i>, Section 34-28A-25</p>																														

Continuing Education	<ul style="list-style-type: none"> • Speech-Language Pathologists/Audiologists 12 hours per year per license. Dual license holders must submit evidence of 24 hours of continuing education per year. • Speech-Language Pathology Aides/Audiology Aides 12 credit hours per year <p><i>Code of Alabama 1975</i>, Section 34-28A25(b)</p>
Employees	(2) Two: Executive Secretary Administrative Assistant I
Legal Counsel	Yvonne Saxon, Assistant Attorney General
Subpoena Power	Yes, both witnesses and records, <i>Code of Alabama 1975</i> , Section 34-28A-43(c)
Internet Presence	Web Site – http://www.abespa.org Mission Board Members Board Meeting Dates Committees Rules Online Renewal Requirements Forms FAQs CE Event List Resources Contact ABESPA
Attended Board Member Training	NONE

Financial

Source of Funds	Licensing and registration fees and fines.
State Treasury	Yes – Fund #0356
Unused Funds	Unused funds at fiscal year end remain on hand.

SIGNIFICANT ITEMS

- 1. In the response to questionnaires sent to audiologists, 20% (10 of 50 respondents) believe the board does not provide sufficient providers of continuing education to ensure access to necessary continuing education hours.**

The *Code of Alabama 1975*, Section 34-28A-25(b) states, “The board shall adopt a program of continuing education not later than October 1, 1991, and, after that date, proof of compliance with the minimum requirements of the continuing education program shall be required as a condition of license renewal.”

The board, in Rule No. 870-X-4-.08, has adopted continuing education requirements of twelve (12) clock hours of instruction annually for a single licensee and twenty-four (24) clock hours of instruction annually for dual licensees.

- 2. The board was not sufficiently well acquainted with the conditions under which its meetings should be held:**

- ✓ **On two occasions, the board convened meetings without first attaining a quorum.** The Alabama Supreme Court stated in Auburn University v. Advertiser Co. (867 So.2d 293) that, “The attendance of a quorum is a condition precedent to everything. Until then there is an absolute incapacity to consider or act in any way upon any matter. When the body is so legally convened and constituted, it has power to consider what is within its jurisdiction and authority, and to declare the existence of facts other than the fact of its own existence. Until it comes into existence, it cannot proceed, nor make any record of its proceedings. It has no authority to make a record showing anything. Less than a quorum are without power to act or bind anybody in any manner. Their action, being absolutely void, may be ignored or attacked in any proceeding.”
- ✓ **On three occasions, the board communicated with and recorded the votes of absent board members via e-mail during meetings.** Opinion of the Attorney General 2006-071 states that, “To be counted towards establishing a quorum, board members attending meetings that are subject to the Open Meetings Act are required to be physically present”. Further, Alabama’s Open Meetings Act in the *Code of Alabama 1975*, Section 36-25A-1 states, “Electronic communications shall not be utilized to circumvent any of the provisions of this chapter”.
- ✓ **The board did not post notice of its committee meetings held one hour prior to regularly scheduled board meetings.** Meetings that are subject to Alabama’s Open Meetings Act include, “a quorum of a committee or a subcommittee of a governmental body”. Consequently, the board’s committee meetings are required to be posted prior to the meeting on an Internet website maintained for that purpose by the Secretary of State.

- ✓ **The board did not post notice of meetings held to conduct “forums”.** Forums are held by the board at conventions of the Speech and Hearing Association during which board members report the board’s performance for the prior year, advise attendees of the board’s proposed actions for the future year, and accept input from the attendees concerning future actions to be taken by the board (i.e. proposed rule changes, addressing of current or future problems affecting the speech-language and audiology profession). These meetings, if held by a quorum of the board or a quorum of a committee or subcommittee of the board, meet the definition of meetings subject to the requirements of Alabama’s Open Meetings Act for which prior notice must be posted.

3. Board staff did not appear sufficiently knowledgeable concerning the requirements for reporting and maintaining records of employee leave:

- ✓ **The board did not maintain adequate leave records for an employee or report an employee’s use of leave time during her period of employment. Informal board records indicate the employee’s absence from work on several occasions.** When the employee resigned, the executive secretary reported dates of absence to the State Personnel Department with no indication of whether the absences were for sick leave or annual leave or for other types of leave. A review of available records was inconclusive as to whether the employee was properly paid for unused leave at her resignation.

Leave for board employees is required to be reported to the Department of Finance for inclusion into the state’s leave records for each employee. The practice of not accurately and consistently reporting an employee’s leave use causes an incorrect balance of leave in the state’s accounting system and increases the risk that an employee will not be paid correctly for unused leave at termination of employment.

- ✓ **When recording leave use in the board’s internal records, the executive secretary’s leave was posted for 7 hours leave used rather than eight hours for each full day’s absence.** The executive secretary is a full-time, unclassified employee in the state’s merit system, and her salary and leave are based upon a normal workweek of 40 hours consisting of five eight-hour days. A leave of absence of a full day is considered by rules of the State Personnel Board as having used eight hours of leave, with lesser absences to be posted according to the hours absent during the eight-hour workday.

4. The board did not complete and retain immigration status verification forms (I-9) for its employees, as required by the federal Immigration Reform and Control Act of 1986 (IRCA).

The federal Immigration Reform and Control Act of 1986 (IRCA) mandates that U.S. employers verify the employment eligibility status of newly-hired employees. In response to the law, the Immigration and Naturalization Service (INS), now an integrated component of the Department of Homeland Security (DHS) created Form I-9 and mandated its accurate and timely completion by all U.S. employers and their

employees. The Form I-9 was developed to verify that persons are eligible to work in the United States. According to this law, each time an employer hires any person to perform services or labor for wages or other remuneration, the employer and the employee must together complete the Form I-9 when employee starts work.

- 5. Staff at the offices of the State Ethics Commission could not locate a statement of economic interests for one board member. State law requires board members to file this statement each year.**

The *Code of Alabama 1975*, Section 36-25-14 (a) states, “A statement of economic interests shall be completed and filed in accordance with this chapter with the commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:” “(4) Members of the Alabama Ethics Commission; appointed members of boards and commissions having statewide jurisdiction (but excluding members of solely advisory boards).”

- 6. The board did not comply with the requirements of the state’s SMART budgeting program by developing quality and efficiency performance objectives and reporting on progress toward their achievement.**

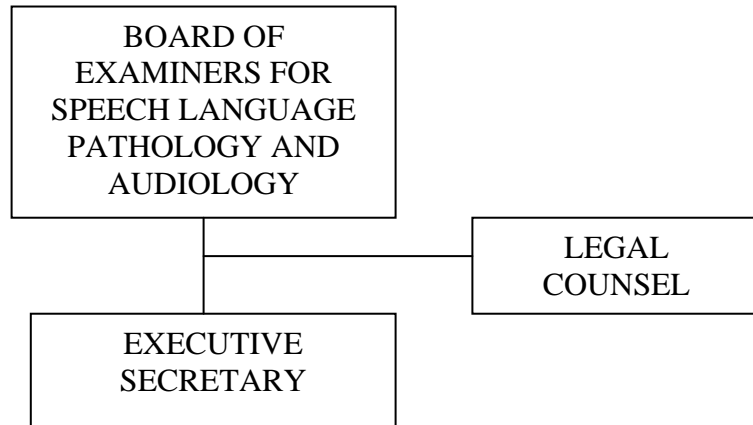
The Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. As a part of the SMART system, each agency is required to submit its goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must necessarily be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes a Quarterly Performance Report, which presents information to the public on achievement of an agency’s annual objectives during each fiscal year. The report is required to include quality and efficiency objectives and to report the board’s progress toward their achievement during the year.

The board did not present or report on achievement of any performance objectives in its Quarterly Performance Report for the 2007 fiscal year.

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

Employees by Classification, Race and Gender

Classification	Number	Race/ Gender
Executive Assistant II (Unclassified)	1	W/F
Administrative Assistant I	1	B/F
Total	2	

B=black, W=white, F=female, M=male

Note: Both employees are full-time. The board's office hours are 8 A.M.-4:00 P.M.

PERFORMANCE CHARACTERISTICS

Number of Licensees (1358) per Employee (2) – 679

Operating Expenditures per Licensee - \$119.40 (2007 fiscal year)

Persons per Licensee

	Alabama*	Georgia*	Florida*	Tennessee*	Mississippi*
Population	4,627,851	9,544,750	18,251,243	6,156,719	2,918,785

Speech-Language Pathologists	1122**	2,989	5,819	1,558	1,022
Persons per licensee	4,125	3,193	3,136	3,952	2,856

Audiologists	238**	397	851	311	150
Persons per licensee	19,445	24,042	21,447	19,797	19,459

* - State population obtained from census report <http://factfinder.census.gov> as of July 1, 2007. Speech Pathology /Audiology information provided by executive secretary. Source: information obtained by phone for other states.

** 6 licensees hold both Speech Pathologist and Audiologist licenses.

Regulation in Conjunction with Other Entities

The State Department of Education certifies speech and hearing specialists to provide speech/language pathology and audiology services in schools. These persons are certified according to the requirements of the Department of Education and are exempt by law from the licensure requirements of the board

Physicians or surgeons licensed by the Medical Licensure Commission may provide speech/language pathology and audiology services without being licensed by the board. Additionally, persons providing these services under direction of a physician are exempted from licensure by the board.

Persons licensed by the Board of Hearing Instrument Dealers may test, fit, and sell hearing instruments without being licensed by the Board of Speech/Language Pathology and Audiology.

Complaint Resolution

The majority of complaints are investigated by a combination of the board's credential committee chairperson (assigned board member), the executive secretary, and the assistant attorney general.

Schedule of Complaints (from complaint files)

Year Rec/ No. Complaints	Year Complaint Resolved				Pending	Average Resolution Time
	2003/04	2004/05	2005/06	2006/07		
2003/04/3	1	2			0	5.33 mos.
2004/05 /3		2			1*	2.5 mos.
2005/06 /3			2	1	1	7.3 mos.
2006/07 /1				1	1	9 mos.

*The complaint remains open pending court decision. Due to unusual length of time to resolve the complaint, it is not included in the average time of resolution.

Complaint Process

Initial Documentation	The board requires a written, signed complaint.*
Anonymous Complaints	The board does not act upon anonymous complaints.
Investigation performed by	Executive secretary (administrative processing) Legal counsel (statutory considerations) Board member (professional protocol)
Formal Hearing not Held	If the remaining (non-investigating) board members determine that based on the credentials committee chairperson's report(s), and on the advice of legal counsel, there is no necessity for further complaint procedures, the remaining board members will either decide that there is <u>No probable cause</u> or a <u>Lack of evidence</u> and dismiss the complaint.
Formal Hearing Held	If the non-investigating board members determine that there is a necessity for further action, the board addresses the complaint in a formal hearing. If at the hearing the board determines the complaint is valid and that discipline of the licensee is warranted, the board disciplines the licensee in accordance with its statutory authority (i.e. monetary fine, additional continuing education hours, suspension of licenses, etc).
Investigating board member's status during hearing	Any board member involved in the investigation process is required to recuse himself/herself from the hearing in any capacity other than as a witness.

*According to the board's executive secretary, complaints are usually received by telephone at the board's office, at which time the complainant is advised the board only receives written complaints that have been signed by the complaining party. The board does not require complainants to use a specific form; however, the board does provide a complaint form on its website for those who choose to utilize it.

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complies with the requirements of the Administrative Procedure Act, and notices of the intended adoption of rules or changes to rules are published in the Administrative Monthly. Licensees are also notified of changes to board rules in the board's newsletter.

FINANCIAL INFORMATION

The board operates from Special Revenue Fund 356, maintained in the State Treasury. Balances in the fund are subject to the state's normal procedures for budgeting and expenditure. Balances on hand at the end of the fiscal year are retained in the fund.

Schedule of Fees

		STATUTORY	
PURPOSE	FEE	AUTHORITY	RULE
License Application	\$200.00	34-28A-27	870-x-2-.02(2)
Original License	\$ 75.00*	34-28A-27	870-x-2-.02(3)
License Renewal	\$ 75.00	34-28A-27	870-x-4-.02(1)
Inactive License	\$ 37.50	34-28A-25	870-x-4-.05(1)
Replacement License	\$ 15.00	34-28A-27	870-x-4-.07
Late Renewal Penalty	\$20.00 per month up to twice the current renewal fee	34-28A-25 (e)	870-x-4-.03(1)
Assistant Registration	\$ 100.00	34-28A-27(c)	870-x-2-.06 (j)
Assistant Renewal	\$ 37.50	34-28A-27(c)	870-x-2-.05 (j)
Roster of Licensees	\$ 15.00	Cost	
Labels of Licensees	\$ 50.00	Cost	

* Initial Licensure fees are prorated - reduced by \$10.00 per month beginning September 1st through December 31st.

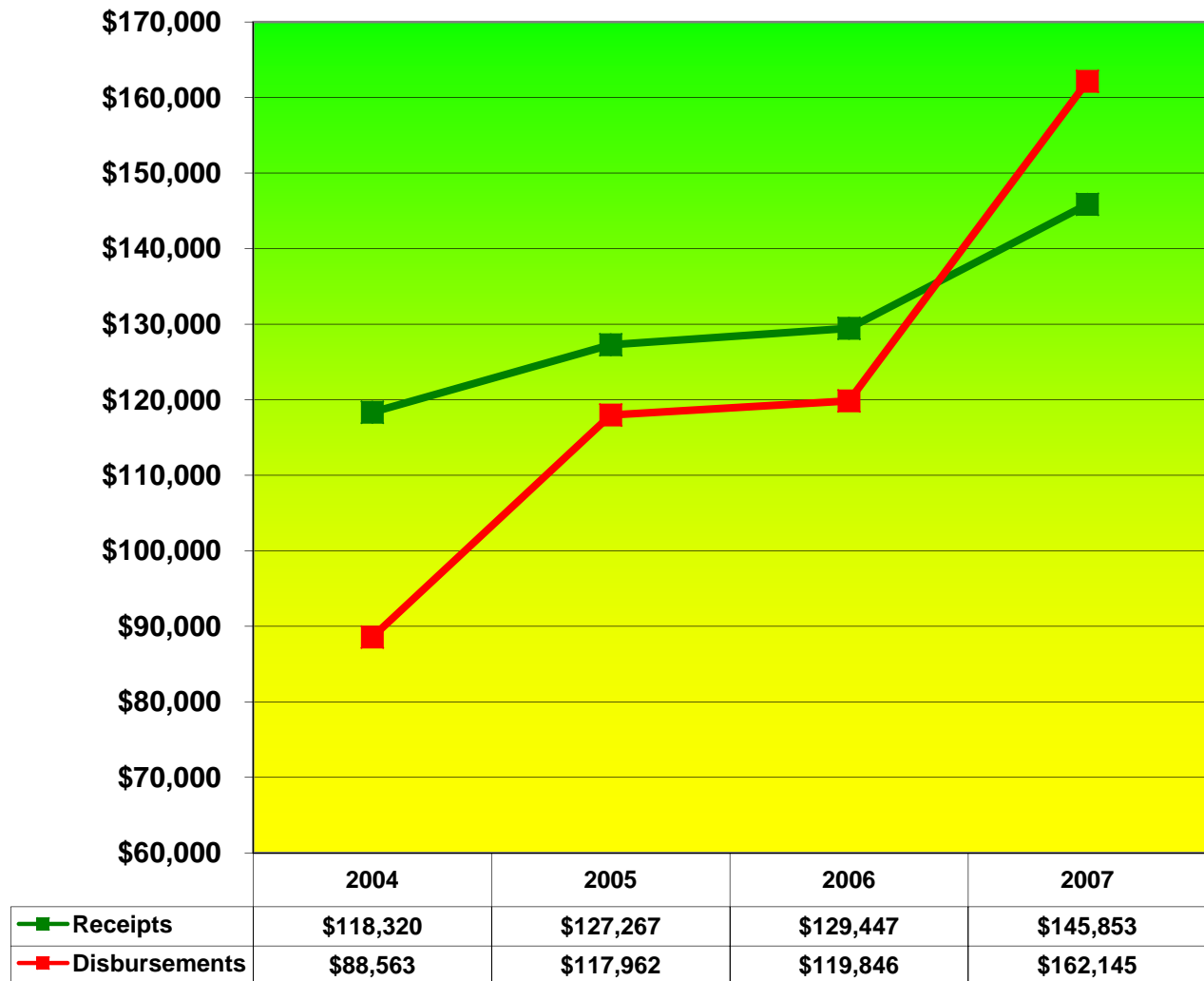
Schedule of Receipts, Disbursements and Balances

For the Period October 1, 2003 through September 30, 2007

<u>Receipts</u>	2006-07	2005-06	2004-05	2003-04
Licensing Fees	\$ 145,852.50	\$ 129,346.00	\$ 127,406.38	\$ 118,545.00
Salvage Equipment	-	9.71	-	-
Subscriptions	-	91.12	-	-
Bad Checks Receivable	-	-	(140.00)	(225.00)
Total	145,852.50	129,446.83	127,266.38	118,320.00
<u>Disbursements</u>				
Personnel Costs	59,743.40	46,973.46	40,269.80	32,164.60
Employee Benefits	26,347.29	18,459.45	18,050.67	10,107.62
Travel-in-State	11,821.38	10,795.44	11,572.03	7,625.00
Travel-out-of-State	2,357.34	1,576.27	4,238.91	5,813.76
Repairs and Maintenance	175.55	280.97	-	-
Rentals and Leases	16,264.86	11,723.26	9,030.36	8,292.80
Utilities and Communications	6,826.05	5,244.45	4,947.64	4,365.95
Professional Services	6,852.30	3,295.09	2,795.24	2,532.12
Supplies, Materials, and Operating Costs	12,181.68	5,972.65	7,397.02	4,403.98
Grants and Benefits	18,000.00	15,525.00	11,500.00	12,000.00
Other Equipment Purchases	1,575.36	-	8,160.71	1,257.00
Total	162,145.21	119,846.04	117,962.38	88,562.83
Excess (deficiency) of Receipts over Disbursements	(16,292.71)	9,600.79	9,304.00	29,757.17
Cash Balance at Beginning of Year	287,501.22	277,900.43	268,596.43	238,839.26
Cash Balance at End of Year	271,208.51	287,501.22	277,900.43	268,596.43
Reserved for Year End Obligations	(4,469.40)	(995.90)	(3,434.49)	(3,464.90)
Unobligated Cash Balance at Year End	\$ 266,739.11	\$ 286,505.32	\$ 274,465.94	\$ 265,131.53

Receipts vs. Operating Disbursements (chart)

October 1, 2004 through September 30, 2007



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were sent to the seven (7) current board members and to five (5) past members whose term had expired or either resigned during the review period. Nine (9) responded.

1. What is the most significant issues currently facing the Board and how is the Board addressing these issues?

Respondent #1: “I am not aware of anything new. Unlicensed practice is a great concern.” “I have been off the Board since 12/2006. All of the information I can provide is historical.”

Respondent #2: “Unlicensed individuals providing services in the Public School System & having licensed individuals ‘sign off’ on these unsupervised services.- The Board is currently reviewing this.”

Respondent #3: “Where will the board be in 5 years? We need a vision statement for consumers & professionals to know where our board wants to aiming. We are having a strategic planning meeting to brainstorm on these issues.”

Respondent #4: “Board is meeting this year to begin a five-year plan to address several key issues facing SLPs providing services in public schools in an exempt setting; SLP/AUD shortages, & tele-health”

Respondent #5: “I am a newly-appointed board member and do not have this information.”

Respondent #6: “Definitions for national changes in practice procedures. Continuing education opportunities & support.”

Respondent #7: No response - respondent stated “I am no longer on the board. Sorry”

Respondent #8: “Changes in academic requirements in Speech-Language Pathology and audiology which in turn affect licensure requirements.”

Respondent #9: “The academic requirements of Audiologists have been increased to the doctoral level. ABESPA members have been busy making changes in the Rules and Regulations to accommodate related issues involving the increasing academic and clinical requirements. The Rules and Regulations Committee is presently reviewing all rules and regulations.”

2. What changes are needed to the Speech - Language Pathology and Audiology Board laws?

Respondent #1: “We made major law changes in 2006”

Respondent #2: “Renew every two years versus every one year. – Change wording from ‘gross negligence’ to negligence as it relates to disciplining a licensee.”

Respondent #3: “The wording in our laws pertaining to Audiology & the incorporation of the AUD. I feel that school system SLP’s should have to be licensed & not exempt.”

Respondent #4: “Laws were well-written (broad) to encompass needs. I would like to see us go to a 2-year licensure renewal period to decrease costs/administrative support; however, our law states ‘annually’ so we would have to get a bill to make this change. It is not critical.”

Respondent #5: “I am a newly-appointed board member and do not have this information.”

Respondent #6: “I am not sure yet.”

Respondent #7: No response

Respondent #8: “We are now having an in-depth review of the laws to see what changes are needed. Right now Audiology needs changes to the law for licensure.”

Respondent #9: “At this time, we are reviewing our laws. I am unaware of immediate need of changing the laws.”

3. Is the Speech - Language Pathology and Audiology Board adequately funded?

8 Yes 0 No 0 Unknown 0 No Opinion 1 No Response

Respondent #6: “self funded”

Respondent #9: “ABESPA is funded by our members and not the State of Alabama.”

4. Is the Speech - Language Pathology and Audiology Board adequately staffed?

9 Yes 0 No 0 Unknown 0 No Opinion

Respondent #4: “We appreciate the Governor’s timeliness in appointing licensees to our Board over the past 2 years.”

Respondent #9: “We have no staff issues that I am aware of.”

5. What is the purpose of your fiscal year end balance of unobligated funds?

Respondent #1: “To provide CEU events for the licensees”

Respondent #2: “Those unobligated funds can be used to help the Board provide more services to consumer & its licensees i.e. additional grants for CEU’s, enhanced website services, educating the public (consumers) of their rights & explaining the purpose of ABESPA. ABESPA could also award scholarships (possibly).”

Respondent #3: “Our fiscal year end balance of unobligated funds rolls over into the next year. We can’t predict during the year how many organizations will ask ABESPA for grant monies & for what amount, and this gives us the opportunity to help bring valuable continuing education to the state. Also we are a self-supporting board, if our number of licensees decrease, then our funds will also.”

Respondent #4: “Funds are available for continuing education grants; to ensure monies are available for investigations and compliance of licensure; and Board members attendance for Board Member Training at the National Counsel of State Boards annually.”

Respondent #5: “I am a newly appointed board member and do not have this information.”

Respondent #6: “Hold over to next year’s continuing education costs.”

Respondent #7: No response

Respondent #8: “The funds allow us to give grants, fund litigation (hearings). We are a privately funded board.”

Respondent #9: “We do not receive funds from the State of Alabama. Our profession is dynamic and always undergoing changes. We have no unobligated funds as they go back for the needs of the next year. ABESPA is a self-supporting board.”

Audiologist Licensee Questionnaire

Questionnaires were sent to 100 Audiologists. Fifty (50) responded. Their responses are recorded as follows:

1. Do you think regulation of your profession by the Alabama Board of Examiners for Speech - Language Pathology and Audiology is necessary to protect public welfare?

49 Yes 1 No 0 Unknown 0 No Opinion

2. Do you think any of the Alabama Board of Examiners for Speech - Language Pathology and Audiology laws, rules, and policies are an unnecessary restriction on the practice of your profession?

5 Yes 40 No 3 Unknown 2 No Opinion

3. Do you think any of the Alabama Board of Examiners for Speech - Language Pathology and Audiology requirements are irrelevant to the competent practice of your profession?

4 Yes 44 No 2 Unknown 0 No Opinion

Respondent #20: “to the competent practice”

4. Are you adequately informed by the Alabama Board of Examiners for Speech - Language Pathology and Audiology of changes to and interpretations of Board positions, policies, rules and laws?

37 Yes 4 No 6 Unknown 3 No Opinion

Respondent #15: “Somewhat”

Respondent #43: “Sometimes”

5. Has the Alabama Board of Examiners for Speech - Language Pathology and Audiology performed your licensing and renewal in a timely manner?

48 Yes 1 No 1 Unknown 0 No Opinion

Respondent #27: "Have not received mine yet - sent in last of Nov."

Respondent #47: "Has improved"

6. Do you consider mandatory continuing education necessary for competent practice?

45 Yes 4 No 0 Unknown 1 No Opinion

Respondent #7: "But required hours should be no more than those required by ASHA (our national credentialing association,)"

Respondent #19: "However, it should be in keeping with ASHA requirements (10 vs. 12 hours)."

Respondent #35: "However, other states including Georgia have a better system by allowing 2-year periods to obtain 20 hours instead of looking year to year. 12 hours in one year is too much in my opinion - and 2 yrs. To complete a requirement much easier with working, family, etc."

7. Has the Alabama Board of Examiners for Speech - Language Pathology and Audiology approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

37 Yes 10 No 2 Unknown 1 No Opinion

Respondent #3: "There are very little CEU possibilities for Audiologists,"

Respondent #35: "So-so"

Respondent #47: "This is a difficult process when my company sponsors events."

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Alabama Board of Examiners for Speech - Language Pathology and Audiology doing to address the issue(s)?

Respondent #1: "As an audiologist, I believe the dispensing of hearing aids by people with no medical training (non-audiologists) a disservice to the public."

Respondent #2: "I think the board should split into 2 separate boards one for audiology & one for speech. I am not aware of the board addressing that."

Respondent #3: No response

Respondent #4: "I wish only Audiologists could fit and distribute hearing aids."

Respondent #5: "Blue Cross/Blue Shields ??? a payment to Private Practice Audiologist."

Respondent #6: "Professional autonomy in third party reimbursement for services. Not sure how ABESPA can help with this."

Respondent #7: "Lack of adequate continuing education opportunities to fulfill ABESPA requirements for state audiologists."

Respondent #8: “Both Federal and State Agency dispensing without providing local support. (Undue hardship for patients for cost in travel and delay in obtaining services)”

Respondent #9: “Consumer complaints being handled”

Respondent #10: “Obtaining our right as Professionals to bill insurance for our services without going through a physician or hospital.”

Respondent #11: No response

Respondent #12: “Billing autonomy - not sure what ABESPA’s doing; Use of terminology in advertising by non-Audiologists (e.g. Audioprosthologist) that misleads the public into thinking that some hearing aid dispensers are equally educated/certified/licensed - ABESPA has done nothing.”

Respondent #13: “Insurance coverage for hearing aids.”

Respondent #14: No response

Respondent #15: No response

Respondent #16: “Dispensers of hearing instruments, who are not Audiologists, should be more closely monitored and controlled to insure they are performing their duties in an honest and beneficial manner.”

Respondent #17: “Insurance reimbursement (direct access) to audiologists - not sure ABESPA is ‘doing’ or has been asked to ‘do’ about this issue.”

Respondent #18: “Requiring audiologists to have an AuD to practice”

Respondent #19: “Non-licensure of 4th year AuD. Students. There should be a provisional license for these individuals.”

Respondent #20: No response

Respondent #21: “Unqualified service providers - Hearing Aid dealers with no formal education in the field of audiology.”

Respondent #22: No response

Respondent #23: “Get the insurance companies to recognize & accept Audiologist as providers & pay us accordingly - BCBS/Medicare. We are not technicians we are ‘Doctors of Audiology’. We take a complete Hx & give appropriate tests & yes Diagnose HC. We should get paid a FEE for service.”

Respondent #24: “A shortage of professionals. I am unaware of how the board is addressing the issue.”

Respondent #25: “The AuD as entry level into the field. The board approached the Sunset Committee to change the State law to stay in line with Academic requirements & other state’s requirements.”

Respondent #26: “Unscrupulous practitioners, mainly HI specialists that take advantage of the ignorant public. Nothing, as far as I can tell. They come under a different board, do they not?”

Respondent #27: No response

Respondent #28: “People who practice w/o a license or have a license in an ancillary profession seem to want to call themselves audiologist, and that is a problem.”

Respondent #29: “Educational Audiologist/School based SLP’s need the ‘tenure’ pay. Board of Education does not recognize our certification to be equal to teacher cert.”

Respondent #30: “Salary increases in Alabama for Audiologists.”

Respondent #31: “The cost of continuing education is very expensive when compared to other fields.”

Respondent #32: “Nationally - AuD; Unknown action”

Respondent #33: No response

Respondent #34: No response

Respondent #35: “(1)AuD - need to completely grandfather in certified audiologists who have practicing audiology for years. Hopefully, this issue has been put to rest, but I honestly don’t know where it stands at this time. (2) Need 2 year span to complete CEU’s. if you spend the time & money to attend an excellent conference, you can get more than 12 hours of CEU’s - those should carry over or have 2 years to complete requirement.”

Respondent #36: No response

Respondent #37: “(1) Annual dues, (2) Better continuing education opportunities for Audiologist. These issues are not being addressed.”

Respondent #38: “Advertising and dispensing (of hearing aids) by audiologists and non-audiologists (HA dispensers) that is misleading/false and, at best, embarrassing and devalueing(?) the profession. I do not know if that is even something ABESPA could address! Just my opinions.”

Respondent #39: No response

Respondent #40: “Need for provisional license for 4th year AuD students!! Seems nothing is being done. Should require only 10 CEU hrs/yr (currently 12)”

Respondent #41: “Third party payment for hearing aids”

Respondent #42: “N/A - I am semi-retired; working only as a consultant”

Respondent #43: No response

Respondent #44: “Continuing education is now a problem. Originally it was voluntary. Then, it became mandatory, and went from 10 to 12 hours. CE has become a big business for some providers; they charge too much for licensees to attend. It has become a hardship on many licensees to obtain 12 hours per year, especially at the prices being charged, given our salaries. I believe in CE, but MORE is not often BETTER, in my experience with it. It also seems that some accommodations for retirees would be appropriate. We have more retirees now, and the number is growing. Some would like to work a few hours per week, and with the shortage of manpower in the field, it would be helpful to the public. But, the continuing education costs in fees, travel, lodging, and food make it nearly impossible for them. So, they just stop! Then, they use their skills elsewhere.”

Respondent #45: “Practitioner credentialing”

Respondent #46: No response

Respondent #47: No response

Respondent #48: No response

Respondent #49: No response

Respondent #50: “Provision of services to the un- and under-insured.”

9. Do you think the Alabama Board of Examiners for Speech - Language Pathology and Audiology and its staff is satisfactorily performing their duties?

41 Yes 1 No 8 Unknown 0 No Opinion

Respondent #25: “Very Well”

Respondent #47: “Much improved”

10. Has any member of the Alabama Board of Examiners for Speech - Language Pathology and Audiology or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Alabama Board of Examiners for Speech - Language Pathology and Audiology service for you?

0 Yes

49 No

1 Unknown

0 No Opinion

Speech –Language Pathologist Licensee Questionnaire

Questionnaires were sent to 100 Speech-Language Pathologists. Sixty-nine (69) responded. Their responses are recorded as follows:

1. Do you think regulation of your profession by the Alabama Board of Examiners for Speech - Language Pathology and Audiology is necessary to protect public welfare?

67 Yes 1 No 1 Unknown 0 No Opinion

2. Do you think any of the Alabama Board of Examiners for Speech - Language Pathology and Audiology laws, rules, and policies are an unnecessary restriction on the practice of your profession?

11 Yes 51 No 5 Unknown 2 No Opinion

3. Do you think any of the Alabama Board of Examiners for Speech - Language Pathology and Audiology requirements are irrelevant to the competent practice of your profession?

6 Yes 55 No 7 Unknown 1 No Opinion

4. Are you adequately informed by the Alabama Board of Examiners for Speech - Language Pathology and Audiology of changes to and interpretations of Board positions, policies, rules and laws?

59 Yes 7 No 2 Unknown 1 No Opinion

Respondent #20: “(After the fact)”

5. Has the Alabama Board of Examiners for Speech - Language Pathology and Audiology performed your licensing and renewal in a timely manner?

68 Yes 0 No 0 Unknown 1 No Opinion

Respondent #48: "Online is great!"

Respondent #66: "This year on-line; not initial license"

Respondent #67: "It sometimes takes a while"

6. Do you consider mandatory continuing education necessary for competent practice?

66 Yes 2 No 0 Unknown 1 No Opinion

Respondent #12: "God yes!"

Respondent #20: "10 hours sufficient"

7. Has the Alabama Board of Examiners for Speech - Language Pathology and Audiology approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

63 Yes 4 No 1 Unknown 1 No Opinion

Respondent #12: "Yes"

Respondent #27: "I have only been in the state 6 months"

Respondent #48: "It appears so"

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Alabama Board of Examiners for Speech - Language Pathology and Audiology doing to address the issue(s)?

Respondent #1: "Pay supplement for school SLP's / medicare caps & reimbursement fees-unsure"

Respondent #2: No response

Respondent #3: No response

Respondent #4: "Obtaining CEU's for reasonable cost. I am a part-time SLP"

Respondent #5: "I would like to see more lobbying for part B Medicare cap service & increase in Autism Awareness funding/education/available services"

Respondent #6: "Caseload size & demands in the public school setting. I'm not sure what ABESPA is currently doing to address this issue."

Respondent #7: "Quality externships and mentoring programs."

Respondent #8: No response

Respondent #9: No response

Respondent #10: "I haven't worked in several years because I have two young children. Therefore, I don't feel I can comment on current issues facing our profession. ABESPA has been very helpful with continuing ed. Information & timelines for licensure info."

Respondent #11: "Shortage of SLP's in the public schools. -Allowing SLP assistants."

Respondent #12: "Dysphagia-Vital Stism(?) Certification - Esophageal dysphagia problems"

Respondent #13: “Poor quality of SLP graduate program in our local university (A&M)
Unsure if the Board has or can address this.”

Respondent #14: No response

Respondent #15: “unknown”

Respondent #16: No response

Respondent #17: No response

Respondent #18: “The State Dept. of Education has this year stopped serving children with moderate lang. probs. To receive speech therapy in the public schools a child has to score below 70 on lang. testing. I don’t know what the ABESPA board is doing about it. I’m not sure they can do anything.”

Respondent #19: No response

Respondent #20: “Shortage of SLP’s, especially school-based.”

Respondent #21: “SLP assistants. Unknown course of action(s) taken by ABESPA”

Respondent #22: No response

Respondent #23: “I feel that there should be mandated maximum # of students served by a SLP in the school system. I realize that the St. Dept. of Ed. governs this; so ABESPA should place the #. ABESPA can do this if a SLP is required to bill for Medicare services in a school setting. Dept. of Ed. Does not care how many students one therapist serves, since they are not out more \$ for another salary. To my knowledge ABESPA does not address any concerns with the Dept. of Ed. This is not good since most SLP’s in the school setting are licensed by them.”

Respondent #24: “Caseloads too large in schools to make an impact. Not sure if ABESPA is doing anything to help.”

Respondent #25: No response

Respondent #26: No response

Respondent #27: Pushing to allow private SLP’s the ability to practice without an overseer (physician, etc) unknown as to progress made in this area.”

Respondent #28: “Shortage of SLP’s for the school setting”

Respondent #29: No response

Respondent #30: No response

Respondent #31: “Too large of caseload to be effective. Not sure what ABESPA is doing about it.”

Respondent #32: No response

Respondent #33: “The shortage of SLP’s in the state of Alabama”

Respondent #34: No response

Respondent #35: “The most significant issue is a lack of knowledge of new methods/treatments/disorders by those who are no longer in school. CEU’s serve to eliminate this problem.”

Respondent #36: No response

Respondent #37: No response

Respondent #38: “There is a SLP in Mobile providing private practice services without a Master’s degree. She said that her license was grandfathered in through ABESPA years ago. I do not think that this is right. She does not have the minimal academic requirements for licensure. Some people are not happy with her services and she is a poor reflection of what a competent SLP should be.”

Respondent #39: No response

Respondent #40: “Clearly indicating which sessions during a conference (day long or longer) qualify as CEUs for the purpose of license renewal.”

Respondent #41: No response

Respondent #42: No response

Respondent #43: “Don’t know”

Respondent #44: “Medicaid issues”

Respondent #45: “Shortage of therapists”

Respondent #46: No response

Respondent #47: No response

Respondent #48: “Funding for SLP services for Medicaid residents in SNFs - not sure what ABESPA is doing re: this”

Respondent #49: “I feel the most significant issue is the present shortage of SLPs in all settings. I am not aware of the specific measures being taken by ABESPA to alleviate this problem. I feel that beginning to recruit in local high schools and freshman classes of colleges with SLP programs might encourage potential students wanting to enter the field. Our state association SHAA has worked hard to get SLPs national certification pay which would equal teachers receiving this pay, even though SLPs are required to complete even more coursework and hours than the regular ed. Teachers. This raise in pay would also be a great incentive to those students wanting to become future SLPs.”

Respondent #50: No response

Respondent #51: No response

Respondent #52: No response

Respondent #53: “Medicare reimbursements”

Respondent #54: No response

Respondent #55: “Unknown”

Respondent #56: “There is a serious shortage of certified Speech-Language Pathologists in Alabama (particularly rural areas); however, I don’t feel there is much that ABESPA is able to do about this situation.”

Respondent #57: “Reimbursement for services - Unsure of ABESPA’s efforts”

Respondent #58: “The concerns of speech language pathologist in the educational setting is an issue facing the profession. The educational setting is considered an ‘exempt setting’ by ABESPA, because these individuals are employed by the State Department of Education. However, ABESPA licensed professionals are working in the schools. The concerns of these individuals need to be considered.

As a long time licensee, I appreciate the diligent work of the Alabama Board of Examiners in Speech-Language Pathology and Audiology. However, recent changes in the continuing education requirements appear unnecessarily restrictive. Mandating six hours of ‘live’ interaction courses can be difficult from a financial standpoint, as well as an accessibility standpoint. Under these new requirements, it is necessary to seek pre-approval of most self study courses, even those approved by the American Speech and Hearing Association. The Speech-Language and Hearing Association of Alabama’s Continuing Education Lending Library is approved, but is a limited resource. These new requirements, although specifically defined in ‘content areas’ are open to a wide range of interpretation, and ABESPA appears to hold the final say in that interpretation. In a recent publication, ABESPA stated that the changes are based on ‘a review of national trends.’ The specifics of this review were not made available in the newsletter. I have made ABESPA aware of these concerns, and respectfully requested

that they reconsider these restrictions. Speech-Language Pathologists and Audiologists are professionals who have worked diligently to obtain and maintain their credentials. They can be trusted to determine the best direction for obtaining continuing education.”

Respondent #59: “NCLB Act”

Respondent #60: No response

Respondent #61: “Efforts from outside agencies to ask ABESPA to lower standards for licensure to increase the number of speech pathologist. I applaud ABESPA for standing firm and refusing to lower our standards.”

Respondent #62: No response

Respondent #63: No response

Respondent #64: No response

Respondent #65: No response

Respondent #66: No response

Respondent #67: “Shortage of available SLP’s - The changes are made at other levels (ASHA and the training programs) - ABESPA doesn’t have anything to do with that.”

Respondent #68: No response

Respondent #69: “Speech assistants”

9. Do you think the Alabama Board of Examiners for Speech - Language Pathology and Audiology and its staff is satisfactorily performing their duties?

57 Yes 1 No 7 Unknown 4 No Opinion

Respondent #1: “Difficult to get in touch with someone w/ABESPA often times.”

10. Has any member of the Alabama Board of Examiners for Speech - Language Pathology and Audiology or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Alabama Board of Examiners for Speech - Language Pathology and Audiology service for you?

0 Yes 69 No 0 Unknown 0 No Opinion

Complainant Questionnaire

Questionnaires were sent to nine (9) persons who filed a complaint with the Board. Five (5) responded.

1. Was your complaint filed with the Board for Speech Language Pathology and Audiology by:

3 Mail 0 Phone 0 Fax 0 Other 0 Unknown

1. No response
2. No response

2. Was receipt of your complaint promptly acknowledged?

3 Yes 0 No 0 Unknown

- 1) No response
- 2) No response

If yes, approximately how long after you filed your complaint were you contacted by the Board of Examiners for Speech Language Pathology and Audiology ?

0 Immediately 0 Within 10 days 2 Within 20 days
1 Within 30 days 0 More than 30 days 0 Did not respond
0 Unknown

- 1) No response
- 2) No response

3. Was the employee who responded to your complaint knowledgeable and courteous?

2 Knowledgeable 2 Courteous 0 Neither 0 Unknown

- 1) No response
- 2) No response

4. Did the Board of Examiners for Speech Language Pathology and Audiology communicate the results of investigating your complaint to you?

3 Yes 0 No 0 Unknown

- 1) No response
- 2) No response

5. Do you think the Board of Examiners for Speech Language Pathology and Audiology did everything it could to resolve your complaint?

 1 Yes 1 No 1 Unknown

- 1) No response
- 2) No response

6. Were you satisfied with your dealings with the Board of Examiners for Speech Language Pathology and Audiology?

 1 Yes 0 No 1 Unknown 0 No Response

- 1) No response
- 2) No response
- 3) "Neutral"

Respondent #1 did not answer any questions however there was a note at the top of the questionnaire. "I have little memory of the complaint that was filed. It was too many years ago. I'm sorry that I'm not able to answer the questions."

APPENDICES

Examination Pass/Fail Statistics by Alabama Educational Institution

September 1, 2006 through August 31, 2007*			
EDUCATIONAL INSTITUTION	NUMBER OF EXAMS GIVEN	PASSED	FAILED
Auburn University.	16	15	1
University of Alabama.	8	8	0
University of South Alabama	9	9	0
Ala. A&M Univ.	9	5	4
Univ. of Montevallo**	17	17	0

Source: PRAXIS (National Testing Service)

* 1st Year available

** University of Montevallo no longer offers programs for speech pathology or audiology

Statutory Authority

CHAPTER 28A. SPEECH PATHOLOGISTS AND AUDIOLOGISTS.

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-7-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Scope of Practice.

ANNOTATIONS

CASENOTES

1. Generally

The dispensing of hearing aids, although in the broadest sense is in competition with private enterprise, is a function which is reasonably related to and promotive of the educational, research, and service mission of a modern university. *Churchill v. Board of Trustees of University of Alabama in Birmingham*, 409 So.2d 1382 (Ala.1982). Colleges And Universities 5

ARTICLE 1. GENERAL PROVISIONS.

REFERENCES

CROSS REFERENCES

As to professional corporations, see §§ 10-4-380 et seq.

As to unincorporated professional associations, see §§ 10-10-1 et seq.

As to council on animal and environmental health, see § 22-2-9.

As to veterinarian's lien, see § 35-11-390.

As to licenses for persons practicing veterinary surgery, see § 40-12-178.

§ 34-28A-1. Definitions. [Historical Notes](#)

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed by this section:

- (1) Association. The Speech and Hearing Association of Alabama.
- (2) Audiologist. An individual who practices audiology and who presents himself or herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service.

(3) Audiology. The application of principles, methods and procedures or measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals, or both, and may include, but is not limited to, consultation regarding noise control and hearing conservation, as well as evaluation of noise environments and calibration of measuring equipment used for such purposes. For the purpose of this subdivision the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation and application, preparation of ear impressions, auditory training, and speech reading.

(4) Board. The Alabama Board of Examiners for Speech-Language Pathology and Audiology established under Section 34-28A-40.

(5) Person. Any individual, organization, or corporate body. Only an individual may be licensed under this chapter.

(6) Speech-language pathologist. Any person who examines, evaluates, remediates, uses preventive measures, or counsels persons suffering or suspected of suffering from disorders or conditions affecting speech or language. A person is deemed to be a speech-language pathologist when he or she practices speech pathology and/or if he or she offers those services to the public under any title incorporating the words "speech pathology," "speech pathologist," "speech-language pathology," "speech-language pathologist," "speech correction," "speech correctionist," "speech therapy," "speech therapist," "speech clinic," "speech clinician," "voice therapist," "language therapist," "aphasia therapist," "communication disorders specialist," "communication therapist," or any similar title or description of service.

(7) Speech pathology or speech-language pathology. The application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals, or both.

(8) Speech-language pathology assistant and audiology assistant. Those persons meeting the minimum qualifications that may be established by the Board of Examiners for Speech-Language Pathology and Audiology and who work directly under the supervision of a speech-language pathologist or audiologist, respectively. The qualifications for registration as an assistant shall be less than those prescribed for a speech-language pathologist or audiologist.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 2; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, redesignated subdivisions (1) through (8) as subdivisions (6), (7), (2), (3), (8), (4), (5), and (1), respectively; substituted "or groups of individuals, or both," for "and/or groups of individuals"

throughout; in subdivision (2), as so redesignated, inserted "or herself", in subdivision (4), as so redesignated, substituted "Alabama Board of Examiners for Speech-Language" for "State Board of Examiners for Speech", in subdivision (5), as so redesignated, substituted ". Only" for "; except, that only", in subdivision (6), as so redesignated, inserted "-language" preceding "pathologist" in two places, inserted "or she" in two places, substituted "those" for "such" and inserted "'speech-language pathology,' 'speech-language pathologist,'" in subdivision (7), as so redesignated, inserted "or speech-language pathology", and in subdivision (8), as so redesignated, substituted "Speech-language" for "Speech", substituted "assistant" for "aide" throughout, substituted "Speech-Language" for "speech" and substituted "speech-language" for "speech" in two places; and made nonsubstantive changes.

§ 34-28A-2. Declaration of policy and legislative intent. [Historical Notes](#)

It is declared that the practice of speech-language pathology and audiology is a privilege which is granted to qualified persons by legislative authority in the interest of public health, safety, and welfare, and, in enacting this law, it is the intent of the Legislature to require educational training and licensure of any person who engages in the practice of speech-language pathology or audiology, or both, to encourage better educational training programs, to prohibit the unauthorized and unqualified practice of speech-language pathology or audiology, or both, and the unprofessional conduct of persons licensed to practice speech-language pathology and audiology and to provide for enforcement of this chapter and penalties for its violation. To help insure the availability of the highest possible quality speech-language pathology or audiology services, or both, to the communicatively handicapped people of the state, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 1; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "speech-language" for "speech" throughout; substituted "or audiology, or both" for "and/or audiology," in two places, substituted "or audiology services, or both" for "and/or audiology services," and made nonsubstantive changes.

§ 34-28A-3. Persons and practices exempt from chapter. [Historical Notes](#)

[References](#)

Nothing in this chapter shall be construed as preventing or restricting any of the following:

- (1) Physicians or surgeons or persons under their supervision from engaging in the examining, testing, and diagnosing of speech and audio defects in this state.
- (2) A hearing instrument fitter and seller (dealer) from engaging in the practice of

fitting, testing, and selling hearing instruments in this state. Chapter 14 of this title shall not be repealed or affected in any way.

(3) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed.

(4) The activities and services of a person who holds a valid and current credential as a speech or hearing specialist, or both, issued by the Department of Education of this state or a person who is employed as a speech-language pathologist or audiologist by the government of the United States, if the person performs speech-language pathology and audiology services solely within the confines or under the jurisdiction of the organization by which he or she is employed. The person may, without obtaining a license under this chapter, consult with or disseminate his or her research findings and other scientific information to speech-language pathologists or audiologists, or both, outside the jurisdiction of the organization by which he or she is employed. The person may also offer lectures to the public for a fee, monetary or other, without being licensed under this chapter. These persons may additionally elect to be subject to and licensed under the provisions of this chapter.

(5) The activities and services of persons pursuing a course of study or training, or both, in speech-language pathology or audiology, or both, at a college or university, if those activities and services constitute a part of a supervised course of study or training, or both, at that institution of higher learning and the person is designated as an intern, trainee, or by other title clearly indicating the training status appropriate to his or her level of training.

(6) The performance of speech-language pathology or audiology services, or both, in this state by any person not a resident of this state who is not licensed under this chapter, if the services are performed for no more than seven days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this chapter and if the person meets the qualifications and requirements for application for licensure described herein. However, a person not a resident of this state who is not licensed under this chapter but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by Section 34-28A-21 or who is the holder of the American Speech and Hearing Association (ASHA) certificate of clinical competence in speech-language pathology or audiology or its equivalent may offer speech-language pathology or audiology services in this state for no more than 30 days in any calendar year, if the services are performed in cooperation with a speech-language pathologist or audiologist licensed under this chapter.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 4; Acts 1997, No. 97-160, p. 218, § 3; Act 2006-226, p. 387, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "speech-language" for "speech" preceding "pathology" or "pathologist" throughout; inserted "or she" following "he" throughout; inserted "or her" following "his" throughout; in the introductory matter inserted "any of the following", in subdivision (2) substituted "instrument" for "aid" and

substituted "instruments" for "aids", in subdivision (4), in the first sentence substituted "or hearing specialist, or both," for "and/or hearing specialist" and substituted "the" for "such", in the second sentence substituted "The" for "However, such" and substituted "or audiologists, or both," for "and/or audiologists", in the third sentence substituted "The" for "Such", and in the fourth sentence substituted "These" for "Such", in subdivision (5) substituted "or" for "and/or" in three places, inserted ", or both," in three places, substituted "those" for "such", substituted "the" for "such" following "learning and" and deleted "such" preceding "title clearly", in subdivision (6) substituted "the" for "such" preceding "activities and services" and substituted a concluding period for "; or", and in subdivision (7) substituted "or audiology services, or both," for "and/or audiology services" and substituted "the" for "such" in three places; and made nonsubstantive changes.

The 2006 amendment, effective March 10, 2006, deleted subdivision (6), and redesignated subdivision (7) as subdivision (6).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-28A-4. Prohibited acts; penalty for violations of provisions of chapter; enforcement of chapter; assistance of board by Attorney General; disposition of fines collected for violations of chapter. [Historical Notes](#) [References](#)

(a) Any person who practices or offers to practice the profession of speech-language pathology or audiology without being licensed or exempted in accordance with this chapter, or any person who uses in connection with his or her name or otherwise assumes, uses or advertises any title or description tending to convey the impression that he or she is a speech-language pathologist or audiologist without being licensed or exempted in accordance with this chapter, or any person who presents or attempts to use as his or her own the license of another, or any person who gives any false or forged evidence of any kind to the board or any member thereof in obtaining a license, or any person who attempts to use an expired or revoked license or any person, firm, partnership, or corporation, or any person who violates any of the provisions of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.

(b) The board, or the person or persons as may be designated by the board to act in its stead, may prefer charges for any of the violations of this chapter in any county in this state in which the violations may have occurred. All duly constituted officers of the law of this state or any political subdivision thereof shall enforce this chapter and prosecute any persons, firms, partnerships, or corporations violating the same.

(c) The Attorney General of the state and his or her assistants shall act as legal

advisers of the board and render legal assistance as may be necessary in carrying out this chapter.

(d) All fines collected for the violation of any provisions of this chapter shall be paid over to the secretary of the board to be delivered by him or her to the State Treasury and placed in the Speech-Language Pathology and Audiology Fund in the same manner as funds received for the issuance of licenses.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 17; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "practices or offers" for "shall practice or offer", substituted "speech-language" for "speech" in two places, deleted "the provisions of" in two places, substituted "uses" for "shall use", inserted "or her" in two places, substituted "uses or advertises" for "use or advertise", inserted "or she", substituted "presents or attempts" for "present or attempt", substituted "gives" for "shall give", substituted "attempts" for "shall attempt" preceding "to use and expired", substituted "violates" for "shall violate", substituted "one hundred dollars (\$100)" for "\$100.00", and substituted "five hundred dollars (\$500)" for "\$500.00"; in subsection (b) substituted "the" for "such" in two places, substituted "may" for "is empowered to", substituted "All" for "It shall be the duty of all", and substituted "shall enforce this chapter and" for "to enforce the provisions of this chapter and to"; in subsection (c) inserted "or her", deleted "such" following "render", and deleted "the provisions of" preceding "this chapter"; in subsection (d) substituted "delivered by him or her to the State Treasury and" for "by him delivered to the State Treasury to be", and substituted "Speech-Language" for "speech"; and made nonsubstantive changes.

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-6-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Code of Ethics.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒6(1, 11.5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28, 33.

§ 34-28A-5. Proceedings to enjoin or restrain violations of chapter. [Historical Notes](#) [References](#)

The board, the Attorney General, or the local district attorney may apply to the circuit court in the county in which a violation of this chapter is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of.

Thereupon, the court has jurisdiction over the proceedings and may grant any temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section is in addition to and independent of any other remedies available for the enforcement of this chapter.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 16; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "any" for "such", and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Injunction ☒89(5).

Corpus Juris Secundum:

C.J.S. Injunctions §§ 133-135.

§ 34-28A-6. Construction of chapter. [Historical Notes](#)

(a) This chapter shall not be construed to repeal Chapter 14 of this title.

(b) This chapter shall in no way be construed to restrain trade nor to restrict any entrepreneur or the free enterprise system.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, §§ 18, 20; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "This" for "The provisions of this" throughout.

ARTICLE 2. LICENSES.

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-2-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Licensure Registration and Authorization Process.

§ 34-28A-20. Required; licenses to be granted to qualified applicants.

[Historical Notes](#) [References](#)

(a) Under no circumstances shall any person practice or represent himself or herself as a speech-language pathologist or audiologist in this state unless he or she is licensed in accordance with this chapter.

(b) Licensure shall be granted either in speech-language pathology or audiology if the applicant meets the respective qualifications.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 3; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "speech-language" for "speech" throughout; and in subsection (a) inserted "or herself", inserted "or she", and deleted "the provisions of" preceding "this chapter".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-28A-21. Qualifications of applicants for licenses. [Historical Notes](#) [References](#)

(a) To be eligible for licensure by the board as a speech-language pathologist or audiologist a person shall meet each of the following qualifications and requirements:

(1) Be of good moral character.

(2) Make application to the board on a form prescribed by the board.

(3) Pay to the board the appropriate application fee.

(4) Pass an examination in speech-language pathology or audiology approved by the board.

(b) Applicants for the speech-language pathology license shall submit the following:

(1) Evidence of possession of at least a master's degree in speech-language pathology from an institution approved by the board.

(2) Evidence of the successful completion of supervised clinic practicum experiences from an educational institution, or its cooperating programs, that is approved by the board.

(3) Evidence of the successful completion of postgraduate professional experience approved by the board as delineated in the rules of the board.

(c) Applicants for the audiology license whose master's degree was earned and conferred prior to January 1, 2007, shall submit the following:

(1) Evidence of possession of at least a master's degree in audiology from an education institution approved by the board.

(2) Evidence of the successful completion of supervised clinic practicum experiences from an educational institution, or its cooperating programs, that is approved by the board.

(3) Evidence of the successful completion of postgraduate professional experience approved by the board as delineated in the rules and regulations of the board.

(d) Applicants for the audiology license whose degree was earned and conferred after January 1, 2007, shall submit the following:

(1) Evidence of possession of a doctoral degree in audiology from an education institution approved by the board.

(2) Evidence of the successful completion of supervised clinic practicum experiences from an educational institution, or its cooperating programs, that is approved by the board as delineated in the rules of the board.

(e) Nothing in this section shall prevent the continued licensure of an audiologist that received licensure before January 1, 2007.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 5; Acts 1981, No. 81-209, p. 250, § 4; Acts 1993, No. 93-205, p. 310, § 3; Acts 1997, No. 97-160, p. 218, § 3; Act 2006-226, p. 387, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 22, 1993, rewrote this section.

The 1997 amendment, effective March 26, 1997, in the introductory matter substituted "speech-language" for "speech", and in subdivision (5) corrected the spelling of "successful".

The 2006 amendment, effective March 10, 2006, inserted the subsection (a) designator, rewrote subdivision (4), and deleted subdivisions (5)-(7); and added subsections (b)-(e).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-28A-22. Applications for examination; application fee; applications for reexamination; performance of speech-language pathology and audiology services prior to action by board on application. [Historical Notes](#) [References](#)

(a) A person eligible for licensure under Section 34-28A-21 and desirous of licensure shall make application for examination to the board at least 30 days prior to the date of examination, upon a form and in a manner as the board prescribes, and shall mail or

deliver the application to a permanent address set and made known to the general public by publication by the board.

(b) Any application shall be accompanied by the non-refundable fee prescribed in Section 34-28A-27.

(c) A person who fails an examination may make application for reexamination if he or she again meets the requirements of subsections (a) and (b).

(d) A person certified by the American Speech and Hearing Association (ASHA) or licensed under the law of another state, a territory of the United States, or the District of Columbia as a speech-language pathologist or audiologist who has applied for licensure under this section may perform speech-language pathology and audiology services in this state during the interim period of time prior to board action on that application.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 10; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY


Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "a manner as the board prescribes, and shall mail or deliver the application" for "such manner as the board shall prescribe, and shall mail or deliver same"; in subsection (b) inserted "non-refundable", and deleted ", which fee shall in no case be refunded"; in subsection (c) inserted "or she", and deleted "of this section" following "(a) and (b)"; and in subsection (d) substituted "speech-language" for "speech" in two places.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-28A-23. Examination of applicants for licenses. [Historical Notes](#) [References](#)

(a) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine.

(b) The board may examine in whatever theoretical or applied fields of speech-language pathology and audiology it considers appropriate to the area of specialization and may examine with regard to the professional skills and judgment of a person in the utilization of speech-language pathology and audiology techniques and methods.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 11; Acts 1981, No. 81-209, p. 250, § 4; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (b) substituted "speech-language" for "speech" in two places, substituted "the" for "a person's" following "with regard to", and inserted "of a person".

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-3-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Examination Process.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-28A-24. Waiver of examination and granting of licenses. [Historical Notes](#) [References](#)

The board shall waive the examination and grant licensure to any person currently certified as clinically competent by ASHA in the area for which the person is applying for licensure upon payment of the licensing fee, provided ASHA requirements meet or exceed those of the State of Alabama, as determined by the board.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 12; Acts 1981, No. 81-209, p. 250, § 4; Acts 1985, No. 85-361, p. 304, § 3; Acts 1997, No. 97-160, p. 218, § 3; Act 2001-248, p. 296, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "the" for "such" following "area for which".

The 2001 amendment, effective April 19, 2001, inserted the language following "licensing fee".

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-3-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Examination Process.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-28A-25. Issuance and renewal of licenses; continuing education; inactive status. [Historical Notes](#) [References](#)

(a) The board shall issue a license certificate to each person whom it licenses as a speech-language pathologist or audiologist, or both. The certificate shall show the full name of the licensee and shall bear a serial number. The certificate shall be signed by the chair and secretary of the board under the seal of the board.

(b) The board shall adopt a program of continuing education not later than October 1, 1991, and, after that date, proof of compliance with the minimum requirements of the continuing education program shall be required as a condition of license renewal.

(c) Licenses shall expire on December 31 following their issuance or renewal and are invalid thereafter unless renewed. The board shall notify every person licensed under this chapter of the date of expiration and the amount of the renewal fee. This notice shall be mailed to his or her last known address at least one month before the expiration of the license. Every person licensed under this chapter shall, on or before January 1 of each year, pay a fee for renewal of license to the board. The board may, in the event payment exceeds a period of grace of 30 days, renew a license upon payment of the renewal fee plus a late renewal payment penalty. Failure on the part of any licensed person to pay his or her renewal fee before January 1 does not deprive him or her of his or her right to renew his or her license, but the fee to be paid for renewal after January 31 shall be increased by twenty dollars (\$20) for each month or fraction thereof that the payment is delayed, up to a maximum of twice the current renewal fee.

(d) A person who fails to renew his or her license within a period of two years after the date of expiration may not renew the license, and the license may not be restored, reissued, or reinstated thereafter, but the person may apply for and obtain a new license if he or she meets the requirements of this chapter.

(e) A licensee who wishes to place his or her license on an inactive status may do so by application to the board and by payment of a fee of one half of the renewal fee. An inactive licensee shall not accrue any penalty for late payment of the renewal fee that reactivates his or her license. The license may be held inactive for a maximum period of two years.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 13; Acts 1989, No. 89-234, p. 298, § 3; Acts 1997, No. 97-160, p. 218, § 3; Act 2001-248, p. 296, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, inserted "or her" following "him" or "his" throughout; in subsection (a) substituted "speech-language pathologist or audiologist, or both" for "speech pathologist and/or audiologist", and substituted "chair" for "chairman"; in subsection (b) substituted "that" for "said", and substituted "the" for "said" following "minimum requirements of"; in subsection (c) substituted "December 31" for "September 30", and substituted "January" for "October" throughout; in subsection (d) substituted "the" for "such" preceding "person may apply", and inserted a comma following "reissued"; and in subsection (e) substituted "twenty-five dollars (\$25)" for "\$25.00", and substituted "An" for "Such an".

The 2001 amendment, effective April 19, 2001, in subsection (a) substituted "licenses" for "registers"; in subsection (c) substituted "twenty dollars (\$20)" for "10 percent"; in subsection (d) deleted "its" preceding "expiration", and substituted "the license" for "it" in two places; in subsection (e) substituted "one half of the renewal fee" for "twenty-five dollars (\$25)"; and made nonsubstantive changes.

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-4-.01 et seq., Board of Examiners for Speech Pathology and Audiology; License Renewal, Use of the License.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

§ 34-28A-26. Suspension or revocation of licenses or issuance of reprimands to licensees; appeals; restoration of licenses revoked, reduction of suspensions, etc.

Historical Notes References

(a) The license of any licensee under this chapter may be suspended or revoked, or a reprimand may be issued by the board, upon a finding of the board that the licensee has committed any of, but not limited to, the following acts:

(1) Has been convicted of a felony in any court of the United States, if the acts for which the person is convicted are found by the board to have a direct bearing on whether the individual should be entrusted to serve the public as a speech-language pathologist or audiologist.

(2) Has been guilty of fraud or deceit in connection with his or her services rendered as a speech-language pathologist or audiologist.

(3) Has aided or abetted a person, not a licensed speech-language pathologist or audiologist, in illegally representing himself or herself as a speech-language pathologist or audiologist within this state.

(4) Has been guilty of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics made and published by the board.

(5) Has used fraud or deception in applying for a license or in passing an examination provided for in this chapter.

(6) Has been grossly negligent in the practice of his or her profession.

(7) Has willfully violated any of the provisions of this chapter or any regulations adopted hereunder.

(b) No license shall be suspended or revoked or reprimand issued until after a hearing before the board. A notice of at least 30 days shall be served, either personally or by registered or certified mail, with the returned receipt signed by the addressee, to the

licensee charged, stating the time and place of the hearing and setting forth the ground or grounds constituting the charges against the licensee. The licensee shall be entitled to be heard in his or her defense, either in person or by counsel, and may produce testimony and may testify in his or her own behalf. A record of the hearing shall be taken and preserved by the secretary of the board. The hearing may be adjourned from time to time. If, after due receipt of notice of a hearing, the licensee shall be unable to appear for good cause shown, then a continuance shall be granted by the board. The time allowed shall be at the discretion of the board, but in no instance shall it be less than two weeks from the originally scheduled date of the hearing. If the inability of the licensee to appear is due to circumstances beyond his or her control, then, at the discretion of the board, a mutually agreed upon date may be set for the hearing. If a licensee repeatedly fails or refuses to appear, the board may proceed to hear and determine charges in his or her absence. If a licensee pleads guilty or if, upon hearing the charges, five members of the board find them to be true, the board shall enter an order suspending or revoking the license or reprimanding the licensee, as the case may be. The board shall record its findings and order in writing.

(c) Any person who feels aggrieved by reason of the suspension or revocation of his or her license or of the reprimand or of the rejection of his or her application by the board may appeal to the board for a review of the case. If the board does not reverse itself at a hearing, then the aggrieved person may file a civil action within 30 days after receiving notice of the action of the board or of the order of the board in the Circuit Court of Montgomery County, Alabama or in the circuit court of the county of his or her residence to annul or vacate the action or the order of the board. The action shall be filed against the board as defendant, and service of process shall be upon either the chair or secretary of the board. The action shall be tried by the court and shall be a trial de novo, but the burden of proof shall be upon the plaintiff assailing the order of the board. The judgment of the circuit court may be appealed to the Supreme Court of Alabama in the same manner as other civil cases.

(d) Upon a vote of five of its members, the board may restore a license which has been revoked, reduce the period of a suspension, or withdraw a reprimand.
(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 15; Acts 1989, No. 89-234, p. 298, § 3; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted "speech-language" for "speech" throughout; inserted "or her" following "his" throughout; in subsection (a) inserted "acts", in subdivision (3) inserted "or herself", and in subdivision (6) substituted a period for "; or"; in subsection (b) substituted "the" for "such" following "A record of"; in subsection (c), in the first sentence substituted "reprimand or of the" for "board's reprimand or of the board's" and inserted "by the board" following "application", in the second sentence deleted "such" preceding "a hearing", substituted "action of the board" for "board's action" and substituted "order of the board" for "board's order", and in the third sentence substituted "chair" for "chairman"; in subsection (d) inserted "a" preceding "suspension"; and made nonsubstantive changes.

REFERENCES

ADMINISTRATIVE CODE

- 21 Ala. Admin. Code 870-X-4-.01 et seq., Board of Examiners for Speech Pathology and Audiology; License Renewal, Use of the License.
- 21 Ala. Admin. Code 870-X-5-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Board's Function as a Public Regulatory Body.
- 21 Ala. Admin. Code 870-X-6-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Code of Ethics.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒11.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers § 35.

§ 34-28A-27. Fees. [Historical Notes](#) [References](#)

(a) The board shall publish, in a manner the board deems appropriate, fees for all of the following purposes:

- (1) Application for examination.
- (2) Initial licensing.
- (3) Renewal of licensure.
- (4) Late payment for renewal (monthly penalty).
- (5) Registration of speech-language pathology assistants and audiology assistants.
- (6) Late payment fees.

(b) A qualified applicant for licensing who has successfully passed the examination prescribed by the board and has paid the application, examination, and, if necessary, the reexamination fees, shall be licensed by the board as a speech-language pathologist or audiologist, or both. The application fee, examination fee, reexamination fee, licensing fee, late payment fees, and the annual renewal fee shall be in an amount fixed by the board. Fees may not be refunded to applicants or licensees under any circumstances.

(c) A qualified applicant for registration as a speech-language pathology assistant or audiology assistant who has paid the registration fee prescribed by the board shall be registered by the board as a speech-language pathology assistant or audiology assistant. The registration fee and the annual renewal fee shall be in an amount that is one half of the registration fee and annual renewal fee required of speech pathologists and audiologists respectively. Fees may not be refunded to applicants or registrants under any circumstances.

(d) The fee for issuance of a license issued to replace one that is lost, destroyed, mutilated, or revoked shall be fifteen dollars (\$15), and the fee shall accompany the application for a replacement license.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 14; Acts 1985, No. 85-361, p. 304, § 3; Acts 1989, No. 89-234, p. 298, § 3; Acts 1997, No. 97-160, p. 218, § 3; Act 2001-248, p. 296, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "for all of" for "in the amount prescribed by the legislature for", in subdivision (3) deleted "; and", and added subdivision (5); in subsection (b) substituted "speech-language" for "speech", and substituted "or audiologist, or both" for "and/or audiologist"; redesignated subsection (c) as subsection (d), and added new subsection (c); and in subsection (d), as so redesignated, substituted "ten dollars (\$10)" for "\$10.00"; and made nonsubstantive changes.

The 2001 amendments, effective April 19, 2001, in subsection (a) substituted "the board" for "it", and added subdivision (6); in subsection (b) inserted "late payment fees," and inserted "in" preceding "an amount fixed"; in subsection (c) substituted "one half" for "one-half"; in subsection (d) substituted "fifteen dollars (\$15)" for "ten dollars (\$10)"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

ARTICLE 3. BOARD OF EXAMINERS.

REFERENCES

ADMINISTRATIVE CODE

21 Ala. Admin. Code 870-X-1-.01 et seq., Board of Examiners for Speech Pathology and Audiology; General Provisions.

21 Ala. Admin. Code 870-X-5-.01 et seq., Board of Examiners for Speech Pathology and Audiology; Board's Function as a Public Regulatory Body.

§ 34-28A-40. Creation; composition; qualifications, appointment and terms of office of members; meetings; quorum; vacancies; removal of members.

[Historical Notes](#) [References](#)

(a) There is established as an independent agency of the executive branch of the government of the State of Alabama, the Alabama Board of Examiners for Speech-Language Pathology and Audiology.

(b) The board shall be comprised of seven members, who shall be appointed by the Governor from names submitted to the Governor by the association. Not more than one

board member from any United States Congressional District shall be appointed to serve at the same time. Those persons nominated or appointed to serve on the board shall have been engaged in rendering services to the public, or teaching, or research, or any combination of service to the public, teaching, or research, in speech-language pathology or audiology, or both for at least five years immediately preceding their appointment. At least three board members shall be speech-language pathologists, at least three shall be audiologists, and one shall be a member of the consuming public or an allied professional. The six professional speech-language pathologist and audiologist board members shall at all times be holders of active and valid licenses for the practice of speech-language pathology and audiology in this state, except for the six members first appointed, who shall fulfill the requirements set forth in the appropriate provisions of Section 34-28A-21. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) The Governor shall appoint two board members for a term of one year, two for a term of two years, two for a term of three years, and one for a term of four years. Appointments made thereafter shall be for three-year terms, with no person being eligible to serve more than two full consecutive terms. Terms shall begin on October 1, except for the first appointee member, who shall serve through September 30 of the year in which he or she is appointed before commencing the terms provided by this subsection.

(d) The board shall meet during the month of October each year for the purposes of annual reorganization to select a chair and an executive secretary and to compile an annual report of business conducted during the previous year. Copies of the annual report shall be submitted to the Governor or his or her duly named representative and filed in the offices of the members of the board. Additionally, a report of the actions of the board shall be presented during the program of an annual meeting of the Speech and Hearing Association of Alabama. At least one additional meeting shall be held before the end of each year. Further meetings shall be convened at the call of the chair or any two board members. All meetings shall be open to the public; except, that the board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon a request of an applicant who has failed an examination, to prepare a response indicating the reason for failure.

(e) Four members of the board shall constitute a quorum to do business.

(f) When a vacancy on the board occurs, the Speech and Hearing Association of Alabama shall recommend not less than three persons to fill each vacancy, and the Governor shall make his or her appointment from the persons so nominated.

(g) The Governor may remove from office any member of the board for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct. (Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 6; Acts 1981, No. 81-209, p. 250, § 4; Acts 1993, No. 93-205, p. 310, § 3; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 22, 1993, deleted "hereby" preceding "established" in subsection (a); in subsection (b) inserted the present second sentence, in the third sentence substituted "or" for "and/or" throughout, inserted "or any combination

of service to the public, teaching, or research," and inserted "or both"; substituted "he or she is" for "they are" in the last sentence of subsection (c); in subsection (d) substituted "chair" for "chairman" in two places, inserted "or her" in the second sentence, substituted "shall" for "will" in the third sentence, and inserted "the" following "indicating" in the last sentence; inserted "or her" in subsection (f); and in subsection (g), substituted "may" for "shall have power to."

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "Speech-Language" for "Speech"; and in subsection (b) substituted "speech-language" for "speech" in four places, and added the final sentence.

Code Commissioner's Notes

Section 2 of Acts 1989, No. 89-234 provides: "The existence and functioning of the Board of Examiners in Speech Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 through 34-28A-44, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1993, No. 93-205, § 2 provides: "The existence and functioning of the Alabama Board of Examiners for Speech Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 to 34-28A-44, inclusive, is continued, and those code sections are expressly preserved."

Acts 1997, No. 97-160, § 2, provides: "The existence and functioning of the Alabama Board of Examiners for Speech Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2001-248, § 2 provides: "The existence and functioning of the Alabama Board of Examiners for Speech-Language Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2005-80, § 2 provides: "The existence and functioning of the Alabama Board of Examiners for Speech-Language Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 through 34-28A-44, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1); States ☒45.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

§ 34-28A-41. Compensation of board members. [Historical Notes](#) [References](#)

Members of the board shall receive no compensation for their services, but may be reimbursed for necessary expenses pursuant to state regulations from funds derived from fees collected under this chapter or from other available revenue sources.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 9; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, substituted ", but" for "; provided, that they", and deleted "the provisions of" preceding "this chapter".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-28A-42. Powers and duties of board generally; administrative fines.

Historical Notes References

(a) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications and supervise the examinations of applicants for licensure under this chapter and shall, at its discretion, investigate allegations of practices violating the provisions of this chapter.

(b) The board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this chapter, including, but not limited to, regulations which establish ethical standards of practice, and for other purposes, and may amend or repeal the same in accordance with the administrative procedures of this state. Following their adoption, the rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech-language pathology and audiology in this state.

(c) The board shall, by appropriate rules and regulations, make provisions for the continuing professional education of persons subject to this chapter, not later than October 1, 1991.

(d) Upon the request of any person, the board shall furnish a list of persons licensed under this chapter.

(e) The board shall promulgate rules and regulations necessary to provide for registration and supervision of applicants for licensure while the applicant is meeting the professional experience requirement enumerated in subdivision (4) of Section 34-28A-21.

(f) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general functions conferred by this section.

(g) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed one thousand dollars (\$1,000) per violation, and is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 7; Acts 1989, No. 89-234, p. 298, § 3; Acts

1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (b) substituted "the" for "such" preceding "rules and regulations", and substituted "speech-language" for "speech"; in subsection (c) inserted "rules and"; in subsections (c) and (d) deleted "the provisions of" preceding "this chapter"; in subsection (g) substituted "one thousand dollars (\$1,000)" for "\$1,000.00"; and made non-substantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-28A-43. Adoption of bylaws and rules; seal; powers of board as to witnesses; institution of proceedings to enjoin or restrain violations of chapter and liability of board members therefor. [Historical Notes](#) [References](#)

(a) The board may adopt all bylaws and rules, not inconsistent with the constitution and laws of this state, reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it.

(b) The board shall adopt and have an official seal.

(c) In carrying into effect this chapter, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance and may also require them to produce books, papers, maps, or documents. Any member of the board may administer oaths of affirmation to witnesses appearing before the board. Witnesses officially called by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the members of the board pursuant to Section 34-28A-41. If any person refuses to appear as a witness before the board, to testify, or to produce any books, papers, or documents, the board may present its petition to the Montgomery County Circuit Court, setting forth the facts, and thereupon the court shall, in a proper case, issue a subpoena to the person, requiring his or her attendance before the circuit court and there to testify or to produce those books, papers, and documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the circuit court may be proceeded against in the same manners as for refusal to obey any other subpoena or order of the court.

(d) The board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from the commission of any act which is prohibited by this chapter. Application for an injunction may be made to the Circuit Court of Montgomery County, Alabama or the circuit court of the county in which it is alleged that the violation is occurring. The members of the board shall not be personally

liable for instituting any proceedings.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 15; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "may adopt" for "shall have the power to make", and deleted "which may be" preceding "reasonably necessary"; in subsection (c), in the first sentence deleted "the provisions of" preceding "this chapter" and substituted "chair" for "chairman", in the third sentence substituted "Witnesses" for "Such witnesses" and substituted "pursuant to" for "as provided and set out in", in the fourth sentence substituted "refuses" for "shall refuse", substituted "the board, to testify, or" for "said board or refuse to testify or refuse", substituted "Montgomery County Circuit Court" for "circuit court of the county in which the state capitol is located", substituted "the" for "such" in three places, inserted "or her" and substituted "those" for "such", and in the fifth sentence substituted "the" for "said" in two places; in subsection (d) substituted "an" for "said" following "Application for", and deleted "such" preceding "proceedings"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Injunction ☒89(5); Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Injunctions §§ 133-135; Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-28A-44. Employment, discharge, etc., of executive secretary and other officers and employees; admissibility in evidence of copies of proceedings, records, etc., of board; monthly report and disposition of revenues received under chapter; payment of administrative expenses of board, employee salaries, etc. [Historical Notes](#)
[References](#)

(a) The board may employ, and at its pleasure discharge, an executive secretary and other officers and employees as may be necessary, and the board shall also outline their duties and fix their compensation and expense allowances.

(b) The board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records and acts of the board, and certificates purporting to relate the facts concerning the proceedings, records, and acts signed by the secretary and authenticated by the seal shall be prima facie evidence in all the courts of this state.

(c) The board shall report to the state Comptroller by the fifth day of each month the amount and source of all revenue received by it pursuant to this chapter during the previous month and shall at that time pay the entire amount thereof into a separate trust fund for the board established by the Comptroller within the State Treasury.

(d) All appropriate expenses incurred by the board in the administration of this chapter shall be paid by the Comptroller when vouchers relating to the expenses are exhibited as having been approved by the board.

(e) The board shall be financed from income accruing to it from fees, licenses and other charges, and funds collected by the board, and all such moneys are appropriated to the board for its use. All employee salaries and other expenses shall be paid as budgeted after budgets are approved by the Comptroller or within the limitations of any appropriation or funds available for that purpose.

(Acts 1975, 4th Ex. Sess., No. 90, p. 2756, § 8; Acts 1997, No. 97-160, p. 218, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective March 26, 1997, in subsection (a) substituted "other" for "such"; in subsection (b) substituted "the" or "such" following "facts concerning", and substituted "the" for "said" following "authenticated by"; in subsection (c) substituted "by the Comptroller" for "upon the enactment of this chapter", and deleted the final sentence; in subsection (d) deleted "the provisions of" preceding "this chapter", and substituted "the" for "such" following "related to"; in subsection (e) deleted "hereby" preceding "appropriated", and inserted "for its use"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

Board Members



Alabama Board of Examiners for Speech-Language Pathology and Audiology

Telephone (334) 269-1434 Fax: (334) 834-9618
400 S. Union Street, Suite 397
P.O. Box 304760
Montgomery, AL 36130-4760
Web address: abespa.org

Mr. Glen Davis
Examiner of Public Accounts
Department of Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Davis:

As per your request the following is a list of our board members for the period of October 1, 2004 through September 30, 2007:

Florence Cuneo (AUD)	District 3	Term: 2000-2006
1101 Sandrock Road, Anniston, AL 36207		
Paul Stephens (AUD)	District 4	Term: 2002-2005
200 Mountain Drive, Gadsden, AL 35904		
Dr. Barbara Cady (SLP)	District 5	Term: 2002-2005
13571 Inverness Place, Athens, AL 35611		
Dr. Margaret Hemm (SLP)	District 6	Term: 2003-2009
1508 Acorn Circle, Mt. Olive, AL 35117		
Dr. Carmen Taylor (AUD)	District 7	Term: 2004-2007
2708 – 44 th Avenue, East, Tuscaloosa, AL 35404		
Roan Frederick, (SLP)	District 2	Term: 2004-2007
1413 Midlane Court, Montgomery, AL 36106		
Ada Holyfield	District 6	Term: 2004-2007
7122 Lake Run Circle, Vestavia Hills, AL 35242		
Dr. Amanda Blaszczyński (AUD)	District 4	Term: 2005-2008
68 Pats Way, Springville, AL 35146		
Dr. Richard Gresham (AUD)	District 5	Term: 2005-2008
205 S. Seminary Street, Florence, AL 35630		

Response to Significant Items



Alabama Board of Examiners for
Speech-Language Pathology and Audiology

Telephone (334) 269-1434 Fax: (334) 834-9618
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P.O. Box 304760
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June 9, 2008

Mr. John Norris
Director, Operational Division
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

In response to your correspondence dated May 22, 2008, listing items to be presented to the Sunset Committee, the Alabama Board of Examiners for Speech-Language Pathology and Audiology (ABESPA/Board) responds as follows:

SIGNIFICANT ITEMS

1. In the response to questionnaires sent to Audiologist, 20% (10 of 50 respondents) believe the Alabama Board of Examiners for Speech Language Pathology and Audiology does not provide sufficient providers of continuing education to ensure access to necessary continuing education hours.

RESPONSE:

ABESPA collaborates with other organizations, i.e. Speech and Hearing Association of Alabama (SHAA), Alabama Academy of Audiology to provide grants to assist in provision of continuing education hours for both audiologists and speech language pathologists in the state. In addition, the Board posts all pre-approved requests for continuing education on our website for licensees to have access to these events.

CORRECTIVE ACTION:

In the future the Board will notify licensees, in January of each year, the dates of the state association conferences and each continuing education event that has been pre-approved by the Board (prior to mailing) to provide additional access to all licensees of available continuing education events in the state.

2. The board is not sufficiently well acquainted with the conditions under which its meetings should be held:

On two occasions, the board convened meetings without first attaining a quorum.

RESPONSE:

The Assistant Attorney General, appointed to the Board, completed an in-service of the summary of Act No. 2005-40. However, the Board acknowledges that two meetings out of thirty-six held were held in error without a quorum. Once this was brought to the Board's attention immediate corrective action to review the minutes of these meetings and all motions that were voted on during the February 10, 2006 and September 7, 2007, Board meetings were retroactively passed by a quorum during the January 11, 2008, ABESPA Board meeting. It is noted that the minutes of the meeting for these dates were published and available for public review and in the spirit of the Open Meeting Act there was no intent by the Board to hide this information.

CORRECTIVE ACTION:

The Board has and will continue to remain in full compliance with the Open Meetings Act. The Executive Secretary will contact Board members at least three days prior to each posted Board meeting date to ensure a quorum in order to conduct Board business. In cases when a quorum can not be achieved, the meeting will be rescheduled. A copy of the Open Meetings Act has now been made a part of every Board members' handbook.

On three occasions, the Board communicated with and recorded the votes of absent board members via email during meetings.

RESPONSE:

The Board acknowledges that it was not clear that all Board members attending meetings are required to be physically present.

CORRECTIVE ACTION:

The Board will no longer use email or any other form of electronic communication to circumvent not having a quorum and will follow the corrective action set forth above.

The board did not post notice of its committee meetings held one hour prior to the regularly scheduled board meeting.

RESPONSE:

The Board acknowledges that the time committee meetings were held prior to the monthly Board meetings was not posted on the Secretary of State's website; however, all Board meetings were posted in compliance with the Alabama Open Meetings Act. It was an inadvertent omission.

CORRECTIVE ACTION:

All scheduled committee meeting times, prior the Board meeting, have now been posted to the Secretary of State's website.

The board did not post notice of meetings held to conduct "forums".

RESPONSE:

ABESPA forums are presentations held at the Speech and Hearing Association's Annual Convention. All Board members are not required to be present. Since this presentation to the licensed and non-licensed attendees is not considered to be a Board meeting, ABESPA has not traditionally posted it on the Secretary of State's website. Notification has consistently been provided via the Speech and Hearing Association's conference registration program, on their website, and on ABESPA's website at least 30 days prior to the convention.

CORRECTIVE ACTION:

Now that the Board has been made aware that the forum held at the annual convention can be deemed a Board meeting, the date and time of the forum will be placed on the Secretary of State's website.

3. Board staff did not appear sufficiently knowledgeable concerning the requirements for reporting and maintaining records of employee leave:

The board did not maintain adequate leave records for an employee or report an employee's use of leave time during her period of employment. Informal board records indicate the employee's absence from work on several occasions.

RESPONSE:

The Board complied with all personnel guidelines that were in effect during the audit period by reporting leave and attendance of its employees. These documents were authorized and paid out by the personnel department. However, it was not until the auditor recognized that the leave was not designated as "sick leave" or "annual leave" that it was brought to the attention of the Board that this needed to be designated.

CORRECTIVE ACTION:

The Executive Secretary of the Board will ensure that employees will maintain a daily time sheet, designating the type of leave and the employee will sign off on this for accuracy. In addition, a new system has now been put into effect to require all Board employees to complete a Request for Leave form which will be attached to the time sheet and kept on file in order to eliminate confusion as to what type of leave has been approved.

When recording leave use in the board's internal records, the executive secretary's leave was posted for 7 hours leave used rather than eight hours for each day's absence.

RESPONSE:

The hours reported for leave on the Executive Secretary's time sheet were consistent with the process she has used since her initial employment on October 11, 1999. The Executive Secretary was not informed that timesheets completed were improper or incorrect in previous audits. The Executive Secretary status is posted as no set hours to be in office as she attends to things outside of the office (i.e. deposits, errands/Board business, workshops, etc.). The incorrect leave allocation was an unintentional error. In fact, through this error, the Executive Secretary lost 95 hours of annual for leave for the incorrect posting.

CORRECTIVE ACTION:

The Executive Secretary will record annual/sick leave as an eight hour day and complete a Leave Request Form under the new policy.

4. The board did not complete and retain immigration status verification forms (I-9) for its employees, as required by the federal Immigration Reform and Control Act of 1986 (IECA).

RESPONSE:

The Board acknowledges that the I-9 forms for the Board's employees were not on file in the Board's office; however, our merit employee was hired from the State roster and processed by the personnel department. Because of the extensive State personnel procedures, the Board assumed that her employment eligibility was verified by State personnel and no other action was needed by the Board. In addition, the Executive Secretary had been a contract worker for the Board prior to becoming a full time employee and again it was assumed this requirement had already been met, since State personnel authorized the employment classification.

CORRECTIVE ACTION:

The I-9 forms for both employees have been completed and are now on file in the Board's office.

5. Staff at the offices of the State Ethics Commission could not locate a statement of economic interest for one board member. State law requires board members to file this statement each year.

RESPONSE:

All Board members completed the required Statement of Economic Interests and filed by the dead line. However, the State Ethics Commission could not locate one of the Board members' financial interest forms. The Board does not feel that the failure of the Ethics Commission to locate a document upon request by auditors should be considered a significant item against the ABESPA Board.

CORRECTIVE ACTION:

The Executive Secretary will request all Board members to return the Statement of Economic Interests to the Board's office. The Executive Secretary will make a copy of the front page of statement and deliver these to the Ethics Commission's office to have date received stamped. The Board will keep front pages on file in the Board's office. In the future the Board will be able to provide compliance with the *Code of Alabama 1975*, §34-25-14.

6. The board did not comply with the requirements of the state's SMART budgeting program by developing quality and efficiency performance objectives and reporting on progress toward their achievement.

RESPONSE:

The Board did complete the SMART Budget to include the development of quality and efficiency performance objectives and provided required quarterly reports. However, even now, conflicting information has been received as to how the measurable objectives are to be written and the type of tracking data that should be reported to the Department of Finance. The Board did not receive any feedback from the Department of Finance over the past two years after the SMART Budget was submitted. It was not until the auditor stated the Board should make objectives more measurable and track percentages versus exact numbers each quarter that the Board was made aware of any issues with the SMART Budget process. Moreover, during the audited time period, The SMART Budget was still in the infancy stages, and therefore, ABESPA should not have received a significant finding on this issue. The Board was not given timely nor sufficient feedback by the Department of Finance to correct the SMART Budget before it was deemed significantly incorrect. The Board welcomes additional direction and support from the Department of Finance in development of future SMART Budgets and performance reports.

CORRECTIVE ACTION:

Future performance reports will be written as to have measurable objectives. The tracking of results achieved toward objectives will be provided in percentages of achievement of each objective.

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

If I can be of further assistance, please contact our office.

Sincerely,

Margaret Hemm, Ed.D., CC-SLP
Chair